

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 RICHARD TERRY LARSON,)	No. C 12-3773 LHK (PR)
11 v.)	Plaintiff,) ORDER DIRECTING
12)) PLAINTIFF TO FILE A NOTICE
13 M. CREAMER-TODD, et al.,)	OF INTENT TO PROSECUTE
14 Defendants.)	
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On July 18, 2012, plaintiff, a state prisoner proceeding *pro se*, filed an amended federal civil rights complaint, pursuant to 42 U.S.C. § 1983. The court served the complaint on defendants, who filed a motion for summary judgment on July 18, 2013. On August 8, 2013, plaintiff requested, and received, an extension of time within which to file his opposition to defendants' motion for summary judgment. In that request, plaintiff also informed the court that plaintiff had been released from prison. Nonetheless, plaintiff has not filed an opposition and has not otherwise communicated with the court since August 8, 2013. Because of the length of time since plaintiff's last communication with the court, it is unclear whether he intends to continue to pursue the claims set forth in federal complaint at this time.

Pursuant to Federal Rule of Civil Procedure 41(b), a district court may *sua sponte* dismiss an action for failure to prosecute or to comply with a court order. *See McKeever v. Block*, 932 F.2d 795, 797 (9th Cir. 1991). But such a dismissal should only be ordered when the failure to comply is unreasonable. *See id.* The court should afford the litigant prior notice of its intention to dismiss. *See Malone v. United States Postal Serv.*, 833 F.2d 128, 133 (9th Cir. 1987).

1 Accordingly, it is in the interests of justice and judicial efficiency for the court to
2 establish whether plaintiff intends to continue to prosecute this action. Plaintiff shall file a
3 notice of his current address, and his continued intent to prosecute no later than **twenty-one (21)**
4 **days** from the filing date of this order. **Failure to do so will result in the dismissal of this**
5 **action without prejudice for failure to prosecute under Rule 41(b) of the Federal Rules of**
6 **Civil Procedure.**

7 IT IS SO ORDERED.

8 DATED: 2/10/14

Lucy H. Koh
LUCY H. KOH
United States District Judge